

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Susan Fifield

v.

Civil No. 09-cv-176-JM

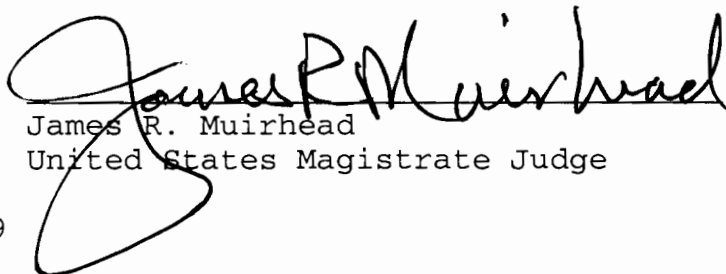
HM Life Insurance Company
Broadspire Services Incorporated,
Aetna Life Insurance Company, Inc.

O R D E R

Defendant moves to remand this claim to the claims administrator for the purpose of affording the claims administrator the opportunity to consider records which should have been in the long-term disability record, but which were not included nor considered. Plaintiff objects.

This is precisely the type of case the Circuit has said should be remanded. The integrity of the decision-making process is suspect and entitlement to benefits has not been clearly established. See Buffonge v. Prudential Ins. Co. of America, 426 F.3d 20 (1st Cir. 2005). The motion (doc. no. 12) is granted and the case is remanded.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: September 25, 2009

cc: William D. Woodbury, Esq.
Andrew W. Serell, Esq.
David F. Schmidt, Esq.